

Serial No. 10/613,741

Atty. Docket No. 31045-101

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

JOHN C. S. KOO

Serial No.: 10/613,741

Filed: July 3, 2003

For: SHOE HAVING A CONTOURED BOTTOM  
WITH SMALL PARTICLES BONDED TO  
THE LOWEST EXTENDING PORTIONS  
THEREOF

Group Art Unit: 3728

Examiner: Anthony D. Stashick

Conf. No.: 5633

**DEPOSIT ACCOUNT REFUND REQUEST**

Please refund the \$500 charged to Deposit Account No. 502490 on December 4, 2006, in connection with the Notice of Appeal filed on November 28, 2006, in the above-reference patent application. As noted on the Notice of Appeal, the Notice of Appeal fee should not have been due because the fee was paid earlier with the Notice of Appeal filed on August 19, 2005. Please credit the \$500 back to our Deposit Account.

Dated: January 29, 2007

Respectfully submitted,  
JOSEPH G. SWAN, P.C.

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By /Joseph G. Swan/  
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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

31045-101

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_In re Application of  
JOHN C. S. KOOApplication Number  
10/613,741Filed  
July 3, 2003

For SHOE HAVING A CONTOURED BOTTOM WITH...

Art Unit  
3728Examiner  
Anthony D. Stashick

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)). No fee is believed due in connection with this Notice of Appeal, the fee having been paid with the Notice of Appeal filed on August 19, 2005.

\$ 0

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 502490. I have enclosed a duplicate copy of this sheet.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

\_\_\_\_\_  
/Joseph G. Swan/  
Signature

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

\_\_\_\_\_  
Joseph G. Swan  
Typed or printed name

☒ attorney or agent of record.  
Registration number 41,338

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(310) 372-8624  
Telephone number

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

\_\_\_\_\_  
November 28, 2006  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment date: 02/21/2007 SFELEKE1  
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